

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14433 of Kentucky Fried Chicken National Management Corporation, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing structural alterations to a structure devoted to a nonconforming use (Paragraph 7106.13) and from the prohibition allowing enlargement to a structure devoted to a nonconforming use (Paragraph 7106.14) to construct an addition to a drive-thru restaurant in a C-1 District at premises 4435 Benning Road, N.E., (Square 5085, Lot 22).

HEARING DATE: June 18, 1986

DECISION DATE: June 18, 1986 (Bench Decision)

ORDER

The application was scheduled for the public hearing of June 18, 1986. Proper notice of the application was given on May 8, 1986 as required by the Supplemental Rules of Practice and Procedure before the BZA. The property was properly posted by the applicant in advance of the public hearing. At the public hearing of June 18, 1986, the Board called the application in the order that it appeared on the agenda. No representative of the applicant responded. The Board deferred the hearing on the application to the end of the public hearing calendar for that date. The application was called again at the conclusion of the hearing of all other scheduled applications. No representative of the applicant was present. The record contains no correspondence from the applicant requesting continuance or withdrawal of the application.


Based on the foregoing, the Board concludes that the applicant was properly notified of the scheduled hearing date and that the applicant complied with the pre-hearing posting requirements of the Board. The Board further concludes that the continuance of the public hearing on the application to another hearing date based solely on the failure of the applicant to appear physically would be disruptive of the procedures of the Board, would impact adversely on the Board's adherence to its published agendas, and would be a disservice to other applicants desirous of having their cases heard in a timely manner.

Accordingly it is ORDERED that the application is DISMISSED for failure of prosecution.

VOTE: 4-0 (William F. McIntosh, Paula L. Jewell, Charles R. Norris and John G. Parsons to dismiss; Carrie L. Thornhill not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: _____

AUG 1 1986

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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